

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA	)	
NATURAL GAS COMPANY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	CASE NO.
NECESSITY TO CONSTRUCT A PIPELINE TO	)	2022-00085
SERVE THE CITIES OF NICHOLASVILLE AND	)	
WILMORE	)	

ORDER

On March 25, 2022, Delta Natural Gas Company, Inc. (Delta) submitted an application for a Certificate of Public Convenience and Necessity (CPCN) to construct a gas pipeline and a motion to incorporate portions of the record from Case No. 2021-00185.<sup>1</sup> Delta originally filed its application for a CPCN for the same construction project in that case but withdrew its application. If certain document filed in Case No. 2021-00185 were incorporated by reference into this case, then the filing requirements for the application will be met.

As a basis for the motion, Delta explained that the documents to be incorporated by reference contain current information, but are voluminous, and thus requested that the information be incorporated by reference.

Under 807 KAR 5:001, Section 11(5), “Upon motion of a party to a proceeding, or upon the commission's own motion, the record of a case in the commission's files or any

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<sup>1</sup> Case No. 2021-00185, *Electronic Application of Delta Natural Gas Company, Inc. for an Adjustment of Its Rates and a Certificate of Public Convenience and Necessity*.

document on file with the commission may be made a part of the record by 'reference only.'”

The Commission finds that Delta’s motion is granted, having considered the motion. Requiring Delta to refile voluminous parts of the record and obtain additional witness statements and verification serves no purpose and would be burdensome to Delta. The Commission generally grants motions to incorporate records from other cases.<sup>2</sup> Delta has shown good cause to incorporate the designated parts of the record from Case No. 2021-00185 pursuant to 807 KAR 5:001, Section 11(5). Additionally, with the incorporation of the documents, the Commission finds that the filing requirements are satisfied and the application is deemed for filing as of the date of this Order.

IT IS THEREFORE ORDERED that:

1. Delta’s motion to incorporate records from Case No. 2021-00185 is granted.
2. Delta’s application is deemed filed as of the date of this Order.
3. The following parts of the record from Case No. 2021-00185 are incorporated by reference into the record in this proceeding:
  - a. Application and Filing Requirement Tab 19;
  - b. Direct and Rebuttal Testimony of John B. Brown;
  - c. Direct and Rebuttal Testimony of Jonathan Morphew;
  - d. Delta’s Response to Commission Staff’s First Data Request Nos. 23 and 24;

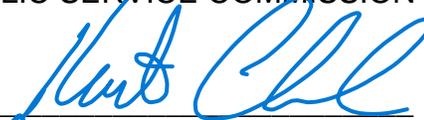
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<sup>2</sup> Case No. 2006-00155, *The Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations* (Ky. PSC May 9, 2006), Order at 1; Case No. 2015-00039, *Proposed Adjustment of the Wholesale Water Service Rates of the City of Augusta* (Ky. PSC Feb. 3, 2016), Order at 19; Case No. 2017-00243, *Application of Big Rivers Electric Corporation for Approval to Issue Evidences of Indebtedness* (Ky. PSC July 11, 2017), Order at 1.

- e. Delta's Response to Commission Staff's Second Data Request Nos. 15, 16, 17, 18, and 19;
- f. Delta's Response to Commission Staff's Third Data Request Nos. 3, 7, and 9; and
- g. Delta's Response to Commission Staff's Fourth Data Request Nos. 4 and 8.

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PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman

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Commissioner



ATTEST:



Executive Director

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